

PROB 12C  
(REV. 12/04)UNITED STATES DISTRICT COURT **FILED**

for

FEB 06 2020

WESTERN DISTRICT OF TEXASCLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY JK DEPUTY CLERK**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Cesar Fernando Garcia-Saucedo Case Number: 5:19CR-661(01)FB  
 Name of Sentencing Judicial Officer: Honorable Fred Biery, United States District Judge  
 Date of Original Sentence: October 9, 2019  
 Original Offense: Illegal Re-entry Into the United States, 8 U.S.C. § 1326(a)  
 Original Sentence: Time Served (61 days) followed by one year of supervised release; SA remitted  
 Type of Supervision: Supervised Release Date Supervision Commenced: October 9, 2019  
 Assistant U.S. Attorney: Brian Nowinski Defense Attorney: Adam L. Kobs

**PREVIOUS COURT ACTION**

None.

**PETITIONING THE COURT**

- ☒ To issue a warrant  
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

1. **Mandatory Condition:** "The defendant shall not commit another federal, state, or local crime during the term of supervision."

On December 21, 2019, the defendant was arrested by the San Marcos, Texas Police Department and charged with Assault Causing Bodily Injury. The arrest report reflects the defendant and his brother-in-law, Santiago Jimmy Narro, were both arrested after they were involved in a physical altercation causing minor and visible injuries to each other. The report further indicates officers smelled a strong odor of alcohol emitting from the defendant's person. When Mr. Narro was questioned, he told officers the defendant was extremely intoxicated and a brawl ensued after Mr. Narro attempted to prevent the defendant from departing the area in said state.

The defendant was transported to the Hays County Jail, but was released to immigration authorities the following day. According to the Comal County Clerks Office, this case is pending. Immigration authorities advised the defendant was deported on January 7, 2020.

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2.

**Standard Condition:** "If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be non-reporting term of probation or supervised release. The defendant shall not illegally re-enter the United States. If the defendant is released from confinement or not deported, or lawfully re-enters the United States during the term of probation or supervised release, the defendant shall immediately report to the nearest U.S. Probation Officer."

**Special Condition:** "The defendant shall not illegally reenter the United States. If the defendant lawfully reenters the United States during the term of probation or supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office."

On December 21, 2019, the defendant was found in the United States illegally in violation of the standard and special conditions imposed by the Court.

**U.S. Probation Officer Recommendation:** The defendant's guideline imprisonment range in this case was 2 to 8 months. He has various misdemeanor convictions for offenses including assault, criminal trespass, evading arrest, and theft. In the instant offense, he was sentenced to the low end of his guideline range and was deported on October 9, 2019. He was found in the United States and arrested approximately two months after being deported. The defendant continues to illegally return to the United States and commit additional crimes despite being judicially warned not to return and without proper approval. It is respectfully recommended a warrant be issued and that a hearing be held to show cause why the offender's supervised release should not be revoked.

☒ The term of supervision should be

☒ revoked. (Maximum penalty: 1 year imprisonment; 1 year supervised release; and payment of any unsatisfied monetary sanction previously imposed)

☐ extended for     years, for a total term of     years.

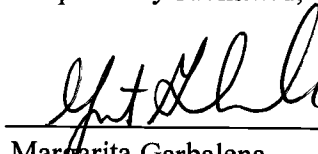
☐ The conditions of supervision should be modified as follows:

Approved:

Respectfully submitted,



Ryan W. Kirk  
Supervising U.S. Probation Officer  
Telephone: (210) 472-6590, Ext. 5338



Margarita Garbalena  
Senior U.S. Probation Officer  
Telephone: (210) 472-6590, Ext. 5375  
Date: February 3, 2020

cc: Brian Nowinski  
Assistant U.S. Attorney

Brenda Trejo-Olivarri  
Assistant Deputy Chief U.S. Probation Officer

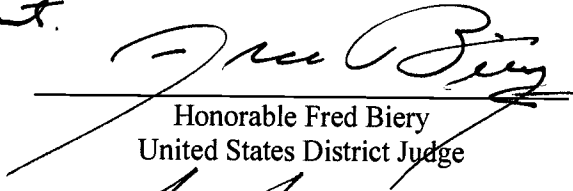
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THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.

☒ Other Please advise if there is  
a new 1324 indictment.

  
Honorable Fred Biery  
United States District Judge

2/6/20  
Date